

REMARKS

Applicant thanks the Examiner for his diligent and thoughtful review of the present application and the prior art of record. This Amendment After Final and Response is being submitted in response to the Final Office Action ("FOA") of 24 June 2005. Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 04-1415 as necessary.

In the FOA, on page 2, the Examiner has acknowledged Applicant's claim for the benefit of an earlier filing date under 35 U.S.C. § 119(e) and has also approved the proposed drawing corrections. Also, the Examiner has objected to paragraph number 1 on page 1 of the specification and has requested updating of the status of this application. As of the submission of this Response, Application Serial No. 10/673,073 remains pending and awaiting examination in the U.S. Patent Office. Also, in response to the Examiner's objection regarding paragraph 0001 of the specification, this error has been corrected in the above Amendment to the Specification.

Regarding the Examiner's interpretation of what a "frank" is (see FOA, p. 3, ¶ 5), Applicant asserts that the Examiner's interpretation may be considered to be overly narrow, as while paragraphs 33, 89, 118 and 168-179 describe a "frank", for at least some embodiments of the claimed invention, the specification provides additional disclosures of the term "frank" and its uses therein. Applicant notes that the term "frank" appears no fewer than 317 times in the specification. Most of these instances do not appear in paragraphs 33, 89, 118 and 168-179.

For example, the Abstract broadly states "A frank may be used to associate a value and a class with a communication." Similarly, the specification provides that a frank can be an indication of priority and/or other categorization or association. In addition to those paragraphs cited by the Examiner, the specification further teaches that a "frank" may include, but is not limited to, the following:

[0010] Generally, the method comprises selecting a frank associated with a value from among a plurality of frank types, each of the frank types having a pre-assigned value, .." Thus, one interpretation of a "frank" is an identifier that associates a value with a communication...."Franking" a communication generally associates some indicia of value and/or a service class with a communication.

[0029] More specifically, at least one embodiment of the present invention provides a system and/or process enabling a sender of an e-mail/communication (or another form of

electronic communications) to categorize, prioritize, or otherwise handle such a e-mail/communication. This categorization may take place by attaching or otherwise associating an electronic frank or other categorizing element to the e-mail/communication.

[0031] ... Multiple classes of franks may be employed, each corresponding to a different e-mail/communication classification, type and/or service. For example, one frank might designate a "first class" e-mail/communication, a second might indicate a "third class" e-mail/communication, a third might indicate a "certified" e-mail/communication and yet a fourth might indicate a "first class" voice communication. Typically, franks representing higher categories (that is, "first class" instead of "third class") or enhanced services (such as e-mail/communication certification) cost more than franks representing lower categories or devoid of such services. By incorporating or associating a frank in/with an e-mail/communication, the sender may categorize the e-mail/communication as he desires.

[0041] ... franks 110 may be used to associate e-mails/communications 105 into one of several service classes. Franks 110 may also be used for other purposes, such as delivering e-mails/communications subject to security verification, tracking, and so forth. Each service class may be associated with a unique frank 110. Franks for different service classes may be configured to cost different amounts. For example, franks 110 may cost different amounts for each service class, or be valid at "off-peak or "on-peak" times, or be designated for specific transmission media, be specified for e-mails/communications of a given size, of a given content (e.g., text, graphics, audio, video, still pictures or the like), of a given rating (e.g., "R" for movies and "AC" for adult content), and so forth.

[0043] ... This association effectively designates or categorizes the e-mail/communication 105 as belonging to the service class (or classes) corresponding to the frank. A single frank 110 may correspond to multiple service categories. For example, a single frank 110 may designate an e-mail/communication 105 as belonging to both a "first class" and "certified" category. Similarly, multiple franks may be used with a single e-mail/communication, or for a group of e-mails/communications (as may occur when e-mails/communications are transmitted or franked in bulk).

[0165] 14. Additional Frank Classes and Charges

[0166] Several frank 110 service classes have been discussed above, such as franks for registered, certified, first class, second class, and third class e-mails/communications. Additional franks 110 for additional e-mail/communication 105 handling categories may also be used with an embodiment.

[0167] For example, an embodiment may require a specific frank 110 for e-mails/communications 105 exceeding a size limit, typically measured in kilo- or megabytes. This "large mail" frank may be required in addition to another frank 110....

[0206] Another embodiment may be used to transmit emergency e-mails/communications 105 to a plurality of system recipients. ... Such emergency e-mails/communications may, for example, be franked with an "emergency" frank 110. Access to such emergency franks may be limited to an authorized list of users, or users from a specific Internet protocol or domain.

[0207] ... By restricting access to these service classes, the present embodiment ensures that extremely important news bulletins or the like may be handled quickly and assigned a category above that of standard first-class or high-category franked e-mails/communications 105.

[0220] Additional frank 110 types may prove useful in an IM environment. For example, one frank 110 may be valid for a specific length or period of time. For example, a sender may frank an instant e-mail/communication 105 with a temporal frank valid for a set period of time, such as fifteen minutes.

Therefore, Applicant respectfully asserts that the term "frank" should be interpreted in view of its use in any given claim, its ordinary meaning, the entirety of the specification, and the prosecution history and should not be interpreted in view of a few select passages from the specification. Therefore, Applicant respectfully traverse the Examiners findings in paragraph 5 of the FOA.

Regarding the rejections in FOA, ¶ 6, under 35 U.S.C. § 103, these rejections have been rendered moot by the cancellation of independent claims 1 and 7, the cancellation of dependent claims 3, 8 and 10 and the amending of all other pending claims to depend from claim 4, which has been amended into independent form. As each of pending claims 2, 5-6, 9, and 11-20 now depend from currently amended and allowable claim 4, they are patentable over the prior art of record. More specifically, the Examiner has indicated that claims 4, 5 and 6 are "allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim." (FOA, p. 5, ¶ 7 and p. 6, ¶ 10.)

Therefore, in view of the amendments to the specification and claims and the above remarks, Applicant asserts that each of the pending claims is patentable over the prior art of record. Allowance of claims 2, 4-6, 9, and 11-20 is respectfully requested.

If the Examiner should require any additional information or amendment, please contact the undersigned at (303) 260-6362.

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